

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL CASE NO. 3:07cv189

CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION,

Petitioner/Plaintiff,

vs.

B.H. by PARENT OR GUARDIAN,
C.H. and W.H.,

Respondent/Defendant.

ORDER

C.H. and W.H., on their behalf,
and as parents and next friends of
B.H., a minor,

Third-Party Plaintiffs,

vs.

DR. JANE RHYNE, DR. MICHAEL
MARCELA, KATHLEEN ELLING,
and RANDALL McCARTHY,

Third-Party Defendants.

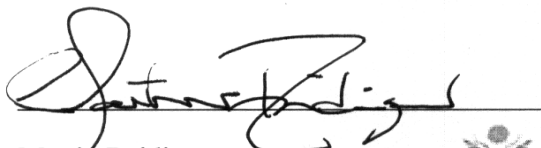
THIS MATTER is before the Court on the parties' Certification and Report pursuant to Federal Rule of Civil Procedure 26(f).

Contained within the report are references to pending motions to dismiss filed by the Charlotte-Mecklenburg Board of Education (Board) and the Third-Party Defendants. No such motions have been filed in the record of this action. A review of the responses filed by the Board and the Third-Party Defendants shows that contained within their pleadings are references to reasons why the counterclaim and third-party action should be dismissed. However, no motions have been filed.

The Local Rules require that a motion to dismiss be filed separately and supported by a memorandum of law. That has not been done.

IT IS, THEREFORE, ORDERED that on or before 15 days from entry of this Order, any motion to dismiss shall be filed separately along with a separate memorandum of law not to exceed 25 double-spaced pages in size 14 font. Failure to file a motion to dismiss will result in the Court entering a pre-trial order and case management plan.

Signed: October 11, 2007


Martin Reidinger
United States District Judge

